

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 AID-05 CEA-01 CIAE-00 COME-00
EB-07 FRB-03 INR-07 NSAE-00 CIEP-01 SP-02 STR-04
TRSE-00 LAB-04 SIL-01 OMB-01 L-03 DLOS-06 CG-00
DOTE-00 AGRE-00 SAL-01 INT-05 /070 W
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P R 131712Z JAN 77
FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC PRIORITY 2760
INFO ALL EC CAPITALS 2976
USMISSION NATO

C O N F I D E N T I A L EC BRUSSELS 00350

FOR OES/OFA AMB. RIDGWAY FROM AMBASSADOR HINTON

E.O. 11652: NGDS
TAGS: EFIS, PLOS, EC
SUBJECT: US-EC FISHERY NEGOTIATIONS

REF: (A) EC BRUSSELS 134; (B) EC BRUSSELS 12344 (76)

1. DEPUTY DIRECTOR GENERAL FOR EXTERNAL AFFAIRS EAMON GALLAGHER PROPOSED TO ME JANUARY 12 THAT HE AND LEGAL COUNSEL MICHAEL HARDY GO TO WASHINGTON JANUARY 31-FEBRUARY 1 FOR TALKS WITH YOU TO SEEK RESOLUTION OF REMAINING ISSUES IN US-EC GIFA. HE WOULD NOT NEED MEMBER STATE REPRESENTATION, AND WHILE HE DID NOT WANT TO LABEL TALKS AS "NEGOTIATIONS," THAT WAS WHAT THEY WOULD BE IN FACT. HE WAS CONFIDENT THAT IF HE INITIALED GIFA FOR COMMUNITY IT WOULD BE ACCEPTED BY COUNCIL, NOTE: PROPOSED DATES FALL BETWEEN JANUARY 18 COUNCIL OF MINISTERS MEETING AT WHICH TIME GUNDELACH HAS SAID HE WOULD PUT FACTS OF LIFE TO MEMBER STATES AND FEBRUARY 8 COUNCIL WHICH COULD OK RESULTS.

2. GALLAGHER DISCUSSED FOUR ISSUES:
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(A) HE WAS CONFIDENT THAT HE COULD GET FRENCH AND OTHER MEMBER STATES TO AGREE TO LANGUAGE PROPOSED BY US IN GIFA ACKNOWLEDGING US LAW, IF US WOULD AGREE TO DROP ARTICLE X. MAIN EC PROBLEM WITH ART. X IS IMPLICATION IN PARA 2 THAT CREW MIGHT NOT ONLY BE ARRESTED AT SEA, BUT THAT THEY MIGHT ALSO BE TRANSFERRED TO JAIL IN PORT PENDING POSTING OF BOND.

EC (PERHAPS NAIVELY) WANTS AVOID EVEN THIS IMPLICATION IN OUR AGREEMENT OUT OF FEAR THAT OTHER STATES (LDC'S) WOULD USE IT AS REASON TO PROVIDE EXPLICITLY (IN AGREEMENTS THEY NEGOTIATE WITH EC) FOR IMPRISONMENT.

(B) HE WOULD SEEK ACCEPTABLE FORMULA WHICH WOULD FULLY PROTECT AMERICAN SALMON IN EC WATERS TO US SATISFACTION, WHILE AVOIDING IMPLICATIONS THAT US WOULD SHARE FISHERY MANAGEMENT WITH EC IN EC FISHERY ZONES.

(C) REGARDING ARBITRATION ISSUE, GALLAGHER NOW SEES NO SERIOUS PROBLEM WITH US POSITION BUT THINKS ADDING PROVISIONS IN GIFA FOR "IN-DEPTH CONSULTATIONS" IN CASE OF DISPUTES WITHOUT USING WORD "ARBITRATION" WOULD HELP HIM WITH MEMBER STATES.

(D) HE NEEDS TO FIND A SOLUTION OF THE ISSUE OF THE US POSITION RESTRICTING ACCESS TO "TRADITIONAL" FISHERIES, STRESSING THAT MOST IMPORTANT ISSUE FOR HIM IS MAINTENANCE OF "COMMUNITY INTEGRITY" I.E. APPEARANCE OF "FLAG DISCRIMINATION" AMONG EC MEMBER STATES MUST BE AVOIDED. GALLAGHER AND HARDY FELT, AND WE AGREE, THAT ALL OTHER ISSUES HAVE EITHER BEEN RESOLVED DURING GIFA TEAM VISIT TO BRUSSELS IN DECEMBER OR COULD BE DISPOSED OF RELATIVELY EASILY.

3. IN RESPONSE MY QUERY, GALLAGHER ADDED THAT, ALTHOUGH THERE WAS LESS URGENCY TO NEGOTIATE A FISHERY AGREEMENT FOR US FISHERMEN IN EC WATERS SINCE THE EC HAS UNILATERALLY AGREED TO PERMIT SUCH FISHING THROUGH CONFIDENTIAL

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1977, HE WOULD BE PREPARED TO DISCUSS SUCH AN AGREEMENT. HE WOULD PLAN TO BRING DRAFT ELEMENTS OF A PROPOSED TEXT.

4. GALLAGHER SAID HE WOULD PLAN TO SPEND TWO DAYS IN WASHINGTON AND, TIME PERMITTING, ALSO USE THE OCCASION TO CALL ON APPROPRIATE OFFICIALS OF THE "NEW TEAM," APPARENTLY INCLUDING STR.

5. HARDY NOTED THAT HE HOPED THAT THE US WOULD CONTINUE TO RESERVE TENTATIVE FISHING QUOTAS FOR EC FISHERMEN FOR HE SAID, IT WOULD BE LUDICROUS IF AN EC-US GIFA WERE CONCLUDED LATER AND AMERICA'S CLOSE EUROPEAN ALLIES THEN DISCOVERED THAT THEIR FISHING QUOTAS HAD BEEN DIVIDED AMONG THE EASTERN EUROPEAN STATES AND THIRD COUNTRIES.

6. COMMENT: I RECOMMEND THAT

(A) YOU AGREE TO RECEIVE GALLAGHER AND HARDY,

IF AT ALL POSSIBLE JANUARY 31 AND/OR FEBRUARY 1 TO
CONCLUDE US/EC GIFA;

(B) CIRCULAR 175 PROCEDURES BE COMPLETED TO
PERMIT US TO INITIAL AGREEMENT IF IT CAN BE REACHED
WHEN TALKS ARE RENEWED; AND

(C) EC FISH QUOTAS BE RESERVED.

7. ACTION REQUESTED: ADVISE.

8. WE HAVE JUST RECEIVED STATE 7517 AND WILL DIS-
CUSS FURTHER WITH EC LATER. WE WILL, OF COURSE, NOTE
THAT DEPARTMENT HAD NOT YET RECEIVED ABOVE REPORT WHEN
THAT CABLE DRAFTED. HINTON

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